

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA)	
)	
Plaintiff,)	
)	
vs.)	No. 4:09CR572HEA(MLM)
)	
ANTOINE REED,)	
)	
Defendant.)	

MOTION OF DEFENDANT TO SUPPRESS EVIDENCE AND STATEMENTS

COMES NOW defendant Antoine Reed, by counsel, and moves this Court for an Order suppressing as evidence any statements or writings made by defendant, including, but not limited to, any conversations overheard by agents of the government, interviews with any federal agents, any state or local law enforcement agencies and any state or federal grand jury, and any physical evidence seized from the person or possession of this defendant, and as grounds for this motion states:

1. Any statements, oral or written made by this defendant were elicited by coercion and without the defendant being advised of and afforded his rights under the Fifth Amendment of the United States Constitution and said statements are therefore involuntary and inadmissible.

2. Any statements, oral or written made by this defendant were elicited as a result of an illegal arrest and are therefore inadmissible.

3. Any testimony or other evidence relating to or based upon said

statements were obtained as a direct result of the violation of defendant's rights under the Fifth Amendment, as aforesaid, and are therefore inadmissible.

4. Any physical evidence seized from the person or possession of defendant, or otherwise seized, was seized as a result of searches and other illegal intrusions into defendant's person and property without a valid search warrant issued upon probable cause, and not pursuant to a lawful order or any other legal justification for the following reasons:

a. Any search warrant allegedly authorizing the search of defendant's person or property was improperly issued, invalid on its face and not based upon probable cause;

b. Any arrest of defendant was illegal in that it was not based upon a lawfully issued warrant or upon probable cause.

c. Any evidence obtained from defendant, including but not limited to handwriting exemplars was obtained in violation of defendant's due process rights and his right to be free from being compelled to be a witness against himself.

Supporting authority will be provided after an evidentiary hearing at which time the circumstances of the instant case may be established. The attorney for the defendant has personally conferred with the assistant United States attorney regarding this matter and has a good faith belief this

information and evidence exists.

Respectfully submitted,

/s/Brian S. Witherspoon
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ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that on September 28, 2009, the foregoing was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system upon Michael Reilly, Assistant United States Attorney.

/s/Brian S. Witherspoon
BRIAN S. WITHERSPOON 4735
Assistant Federal Public Defender